

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

HANS A. QUAACK, ATTILIO PO  
and KARL LEIBINGER, on behalf of themselves  
and those similarly situated,  
Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 03-CV-11566 (PBS)

STONINGTON PARTNERS, INC., a Delaware  
Corporation, STONINGTON CAPITAL  
APPRECIATION 1994 FUND L.P., a Delaware  
Partnership and STONINGTON HOLDINGS, L.L.C., a  
Delaware limited liability company,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10411 (PBS)

GARY B. FILLER and LAWRENCE PERLMAN,  
Trustees of the TRA Rights Trust,  
Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10477 (PBS)

JANET BAKER and JAMES BAKER, JKBAKER LLC  
and JMBAKER LLC,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10501 (PBS)

**MOTION FOR ISSUANCE OF REQUEST FOR INTERNATIONAL  
JUDICIAL ASSISTANCE (LETTERS ROGATORY)**

Class plaintiffs together with plaintiffs Stonington Partners, Inc., Stonington Capital Appreciation 1994 Fund L.P. and Stonington Holdings, L.L.C., Gary B. Filler and Lawrence Perlman, Trustees of the TRA Rights Trust, and Janet Baker, James Baker, JKBaker LLC and JMBaker LLC (collectively the “Plaintiffs”) hereby move, pursuant to Fed. R. Civ. P. 28, 28 U.S.C. § 1781 and 28 U.S.C. § 1781(b)(2) for Issuance of the accompanying Request For International Judicial Assistances (Letters Rogatory).

In support of this motion, Plaintiffs submit the accompanying Declaration of Patrick T. Egan (“Egan Declaration”) and proposed Request For International Judicial Assistances (Letters Rogatory) (“Letters Rogatory”).

In further support of this motion, Plaintiffs state as follows:

1. The proposed Letter Rogatory are sought for the purpose of obtaining oral testimony from: René Avonts, Geert Dauwe, Eric De Gyns, Patrick Faict, Jan van Broeckhoven and Jan Van der Ven (collectively “Non-Party Witnesses”).

2. Each of the Non-Party Witnesses is a former employee of Dexia Bank Belgium (“Dexia”) who, based on Plaintiffs’ information and belief, resides in Belgium, beyond the subpoena powers of this Court.

3. The testimony sought from the Non-Party Witnesses is required because they possess first-hand knowledge of several events and transactions at issue in this litigation. Their testimony will bear directly upon Plaintiffs’ claims against Dexia in the actions pending before this Court.

4. Plaintiffs believe that the Non-Party Witnesses are among the only persons who possess first-hand knowledge and can provide testimony thereon with respect to several events and transactions at issue in Plaintiffs’ complaints. The Non-Party Witnesses were key directors and personnel at Dexia during the relevant time period. In their capacity as Dexia employees,

each prepared and/or reviewed critical documents and participated in conversations and/or meetings within Dexia and/or with representatives of L&H throughout the relevant time period.

5. The testimony obtained from the Non-Party Witnesses will be used in the trial of this action.

6. Plaintiffs therefore request that this Court issue Letters Rogatory compelling the production of the Non-Party Witnesses' oral deposition testimony under the terms outlined in the accompanying Letters Rogatory.

***The Non-Party Witnesses***

**René Avonts**

7. Rene Avonts ("Avonts") was a former Executive Committee member and Managing Director at both Artesia, and its predecessor Paribas. *See* Dexia Bank Belgium's Response and Objections To Lead Plaintiffs' First Set Of Interrogatories, at 4, a true and accurate copy of which is attached as Exhibit A to the Egan Declaration. Mr. Avonts worked at the bank until March 2002. *Id.* at 4. Mr. Avonts resides at Duivenstraat 74, 3052 Oud-Jeverlee (or Oud-Heverlee or Blanden), Belgium. *Id.* at 13; *see also* Defendant Dexia Bank Belgium's Initial Disclosures Pursuant To Fed. R. Civ. P. 26(a)(1) ("Dexia's Initial Disclosures"), Egan Declaration, Exhibit B.

8. Plaintiffs believe that while an executive and Board member of both Paribas and Artesia, Mr. Avonts was involved with the review and approval of loans made by the banks to Brussels Translation Group, Dictation Consortium, Lernout & Hauspie Investment Company, Language Investment Company, Radial, and at least one personal loan to an L&H principal. Plaintiffs further believe that in his position as head of corporate banking of Artesia, Mr. Avonts was in charge of the securities investments transactions of Artesia, including transactions in L&H securities and L&H related entities. Mr. Avonts also was the head of Artesia Securities and is alleged to have coordinated the efforts of Artesia Securities' analysts with those of Artesia to assure that Artesia Securities did not take any position contrary to the Bank's interests.

9. According to Dexia's Initial Disclosures, Mr. Avonts is likely to have discoverable information concerning the following subjects: the Radial loan and the Language Investment Company loan. *See* Egan Declaration, Exhibit B at 2.

**Geert Dauwe**

10. Geert Dauwe ("Dauwe") was a former director and executive committee member at both Paribas and Artesia. *See* Egan Declaration, Exhibit A at 5. Mr. Dauwe worked at the bank until March 2002. *Id.* Mr. Dauwe resides at Hadewijchlaan 22, 8500 Kortrijk, Belgium. *Id.* at 13.

11. From 1998 until his departure in March 2002, Mr. Dauwe was a senior executive within the bank whose job responsibilities included managing one or more bank departments, developing client relationships and making decisions concerning a variety of business issues affecting the Bank. As evidenced in the accompanying proposed examination and exhibits, Mr. Dauwe had direct dealings with L&H and its officers on several loans and Mr. Dauwe was directly involved in every loan at issue in the complaints.

12. According to Dexia's Initial Disclosures, Mr. Dauwe is likely to have discoverable information concerning the following subjects: the Radial loan, the Language Investment Company loan and the Loan to Lernout, Hauspie & Willaert. *See* Egan Declaration, Exhibit B, at 2.

**Eric De Gyns**

13. Eric De Gyns ("De Gyns") was the former head of the Compliance Office and Auditor General at Paribas, Artesia and Dexia. *See* Dexia Bank Belgium's Responses And Objections To Lead Plaintiffs' Second Set Of Interrogatories at 5, a true and accurate copy of which is attached as Exhibit C to Egan Declaration. Mr. De Gyns worked at the bank until August 2004. *Id.* Mr. De Gyns resides at Rue Steenvelt 24/8 1180 Ukkel, Brussels, Belgium. *Id.* at 8.

14. As evidenced in the accompanying proposed examination and exhibits, while at Artesia, Mr. De Gyns was responsible for the compliance and audit department at Artesia at all

relevant times. In this role, Mr. De Gyns conducted or oversaw a series of audits of Artesia's business practices related to the very L&H-related loans at issue in the complaints. Mr. De Gyns' testimony is therefore sought on the audits he was involved with, as well as the role of his department at the time in question.

**Patrick Faict**

15. Patrick Faict ("Faict") was a former Kaderlid, or Director, at Paribas and Artesia, where he focused on corporate banking. *See* Egan Declaration, Exhibit A at 6. Mr. Faict departed the bank in April 2000. *Id.* Mr. Faict resides at Koninglaan 63, 8370 Blankenberge, Belgium. *Id.* at 13.

16. From 1998 to his departure in April 2000, Mr. Faict was a corporate banker whose job responsibilities included the commercial analysis of credit files and drafting of credit proposals. As evidenced in the accompanying proposed examination and exhibits, Mr. Faict was directly involved in the Dictation Consortium, Brussels Translation Group, and Radial loans at issue in the complaints.

17. According to Dexia's Initial Disclosures, Mr. Faict is likely to have discoverable information concerning the Radial loan.

**Jan van Broeckhoven**

18. Jan van Broeckhoven ("van Broeckhoven") was a former member of the Board of Directors of Banque Paribas Belgium and manager of Banque Artesia Nederlands. Mr. Van Broeckhoven retired from Dexia on December 31, 2002 and resides at Reepkenslei 50, 2250 Kontich, Belgium. *See* February 10, 2006 Letter from Jeff E. Butler to Susan M. Davies, attached to Egan Declaration as Exhibit D.

19. From at least 1996 to May 1998, Mr. Broeckhoven was a member of the Board of Directors of Banque Paribas Belgium. From May 1998 until his retirement, Mr. Broeckhoven served as a manager of Banque Artesia Nederlands. As evidenced in the accompanying proposed examination and exhibits, Mr. van Broeckhoven was directly involved in the Dictation Consortium, Brussels Translation Group, and Bastiaens loans at issue in the complaint.

**Jan Van Der Ven**

20. Jan Van der Ven (“Van der Ven”) is the former managing director of the Secretariat Specialized Activities/Credit Management at Paribas. *See* Egan Declaration, Exhibit A at 9. Mr. Van der Ven departed the bank in April 1999 and is believed to reside at Diepestraat 6, 2540 Hove, Belgium. *Id.* at 9 and 13.

21. Plaintiffs believe that while at Paribas, Mr. Van der Ven was responsible for reviewing credit files and making decisions on credit applications, including several of the loans at issue in the complaints, namely the Brussels Translation Group loan, the Radial loan and the Language Investment Company loan. As evidenced in the accompanying proposed examination and exhibits, Mr. Van der Ven was directly involved in the proposal to utilize the credit default swap mechanism to conceal the personal guarantees provided by Messieurs Lernout, Hauspie and Willaert related to the Radial and Language Investment Company loans. These credit default swap transactions are the crux of the allegations in the complaints.

22. According to Dexia’s Initial Disclosures, Mr. Van der Ven is likely to have discoverable information concerning the Radial loan and the LIC loan. *See* Egan Declaration, Exhibit B at 4.

23. Class Plaintiffs have retained the law firm of Marx, Van Ranst, Vermeersch & Partners at Tervurenlaan 270, 1150 Brussels, Belgium to assist in this matter and to serve as a contact for the appropriate judicial authority in Belgium concerning the Letters Rogatory. If issued, Plaintiffs’ counsel, together with Belgian counsel, will take the necessary steps to ensure that a certified translation of the Letters Rogatory order is submitted to the appropriate judicial authority in Belgium.

WHEREFORE, Plaintiffs respectfully request that this Court issue the accompanying Request For International Judicial Assistances (Letters Rogatory).

**Certification Under Local Rules 7.1(a)(2)**

Pursuant to Local Rules 7.1(a)(2), undersigned counsel hereby certify that they have conferred in good faith with counsel for Dexia about this motion, but the parties were unable to alleviate the need for this motion.

Dated: June 16, 2006

Respectfully submitted,

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